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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Delvon Jackson,

Plaintiff

v.

Tesla Motors, Inc., et al.,

Defendants

Case No.: 2:24-cv-01978-CDS-BNW

Order Denying Plaintiff's Motion for Entry
of Default and Motion for Default Judgment

[ECF Nos. 10, 11]

10 Plaintiff Delvon Jackson, proceeding pro se, initiated this action against defendants Tesla
11 Motors, Inc., Harco National Insurance Company, and International Fidelity Insurance
12 Company without paying the filing fee or filing an application to proceed *in forma pauperis* (IFP).
13 ECF No. 1. Therefore, United States Magistrate Judge Brenda Weksler ordered Jackson to
14 complete an application or pay the filing fee. Order, ECF No. 3. Jackson ultimately complied by
15 submitting an IFP application on December 10, 2024. IFP, ECF No. 5. Now, Jackson moves for
16 the entry of default and default judgment against Tesla Motors, Inc. ECF No. 10, 11. But because
17 Jackson's motions are premature, they are denied.

18 **I. Discussion**

19 Under 28 U.S.C. § 636, magistrate judges are assigned the responsibility of screening IFP
20 complaints to alleviate the burden on the federal judiciary. 28 U.S.C. § 636(b)(1)(A). All
21 complaints filed with an IFP application are screened under 28 U.S.C. § 1915(e) to weed out
22 claims and cases that are frivolous, seek unauthorized relief, or fail to state a claim on which
23 relief may be granted. 28 U.S.C. § 1915(e)(2)(B); *Lopez v. Smith*, 203 F.3d 1122, 1129 (9th Cir. 2000)
24 (“[S]ection 1915(e) applies to all in forma pauperis complaints, not just those filed by
25 prisoners.”). The court has not yet screened Jackson's complaint; therefore, no defendant has
26 been served and no responsive pleading is due. *Cranford v. Smith*, 2013 WL 6503301, at *1–2 (E.D.

1 Cal. Dec. 11, 2013) (denying plaintiff's motion for default judgment as premature because
2 defendant had not yet been served). Jackson is advised that until the magistrate judge issues an
3 order, or a report and recommendation, upon screening the complaint, default is procedurally
4 premature.

5 **II. Conclusion**

6 IT IS THEREFORE ORDERED that Jackson's motion for entry of default and motion for
7 default judgment [ECF Nos. 10, 11] are DENIED as premature.

8 Dated: May 27, 2025

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11 Cristina D. Silva
12 United States District Judge
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